

REPORT OF THE COMMITTEE ON FINANCE

PUBLIC HEARING

SEPTEMBER 13, 2010

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Daley, Vice Chairman Sims, Commissioners Beavers, Butler, Claypool, Collins, Gainer, Gorman, Goslin, Moreno, Murphy, Peraica, Reyes, Schneider, Silvestri, Steele and Suffredin (17)

Absent: President Stroger

Also Present: Patrick T. Driscoll, Jr. – Deputy State's Attorney, Chief, Civil Actions Bureau; and Marynic Foster, Executive Director, Department of Human Rights, Ethics and Women's Issues

Court Reporter: Anthony W. Lisanti, C.S.R.

Ladies and Gentlemen:

Your Committee on Finance of the Board of Commissioners of Cook County met pursuant to notice on Monday, September 13, 2010 at the hour of 10:00 A.M. for a public hearing in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Chairman Daley announced that if any commissioner has additional floor amendments, they should be submitted to the Secretary to the Board. Chairman Daley stated currently there are sixteen amendments. (Note: An additional amendment was submitted for a total of seventeen.)

Chairman Daley asked the Secretary to the Board to call upon the registered public speakers, in accordance with Cook County Code, Sec. 2-108(dd):

1. Dick Simpson – Head of the Political Science Department, University of Illinois at Chicago. Written statement also distributed.
2. Kim Morton – Volunteer, Cook County Farm Bureau
3. Mary Kay Minaghan – President, MKM Services
4. Emily Miller – Policy and Government Affairs Coordinator, Better Government Association

Your Committee next considered Communication Number 306665, a Proposed Ordinance Amendment to the Lobbyist Registration Ordinance.

306665 AMENDMENT TO THE LOBBYIST REGISTRATION ORDINANCE (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Bridget Gainer, Elizabeth "Liz" Doody Gorman, Gregg Goslin, Edwin Reyes, Timothy O. Schneider and Larry Suffredin, County Commissioners; Co-Sponsored by Earlean Collins, John P. Daley and Peter N. Silvestri, County Commissioners.

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PROPOSED ORDINANCE AMENDMENT

LOBBYIST REGISTRATION ORDINANCE AMENDMENT

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Sections 2-633, 2-634, 2-637 and 2-640 of the Cook County Code are hereby amended as follows:

Sec. 2-633. Information required of registrants.

(a) Within 30 days of engaging in any activity, which requires such person to register, and subsequently between January 1 and January 20 of each year, every person required to register under Section 2-631 shall file in the office of the Clerk a written statement, subscribed under oath, containing the following information:

- (1) The registrant's name, permanent address and temporary address (if any) while lobbying.
- (2) The registrant's business affiliation and business address, or, if none, the statement that the registrant is a sole proprietor.
- (3) With respect to each person on behalf of which the registrant acts as a lobbyist:
 - a. The name, business address, permanent address and nature of the business of the person;
 - b. Whether the relationship is expected to involve compensation or expenditures or both; and
 - c. A brief description of the County matter in reference to which such service is to be rendered.
- (4) The name, business address, and permanent address of each person employed by the registrant to perform such lobbying services or who appears on behalf of the registrant.
- (5) A picture of the registrant.
- (6) Registrants shall pay an annual, nonrefundable, nontransferable filing fee as set out in Section 32-1, per entity and a separate fee per exclusive lobbyist, payable to the Clerk upon filing.

(b) The separate fee, per exclusive lobbyist, as set forth in Subsection (a)(6) of this section, shall be waived for employees of nonprofit organizations that are exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, provided such organizations lobby only with their own employees and the employees who lobby work a minimum of 1,000 hours per year for the organization.

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(c) In the event any substantial change or addition occurs with respect to the information required by this division to be contained in the registration statement, including the addition or subtraction of a client, an amendment to the statement shall be filed with the Clerk within 14 days.

(d) All reports filed pursuant to this section and Section 2-634 shall be filed electronically and under oath, according to rules and regulations to be established by the Clerk, as of the date such rules and regulations are promulgated. Reports filed electronically shall be timely if filed by 11:59 p.m. on the established due date. The Clerk shall post the filed reports on the Clerk's website within three business days from the established due date.

(e) In addition to other penalties provided in this division, any person filing a late registration under this section shall be assessed a late filing fee as set out in Section 32-1 per day the registration is late, payable to the Clerk upon filing. Any person filing a late registration after January 31 shall also be subject to a penalty of \$150.00 per day, to be levied as set forth in Section 2-637.

(f) Within 48 24 hours of being retained, hired or employed by any person to lobby on that person's behalf, a registrant shall amend the report filed pursuant to this section to include the information required under (a)(3) of this section, as to the person newly retaining the registrant. The Clerk shall post the filed amended reports on the Clerk's website within three business days from the established due date.

Sec. 2-634. Reports.

(a) Every person so registering shall, so long as the person's activity continues, file with the Clerk between January 1 and January 20 and between July 1 and July 20 ~~two reports under oath: a lobbying expenditure report and a lobbying activity report~~ a lobbying activity and expenditure report.

(1) The lobbying activity and expenditure report shall state all expenses made by the person to or for the benefit of a County official or County employee, notwithstanding whether lobbying was occurring at the time of the expenditure, during the previous six months. The report shall show in detail the County official or County employee to whom or for whose benefit such expenditures were made. Expenditures made by the registrant shall include expenditures made by the registrant's employer and/or contractor for whom the registrant is performing lobbying services unless the employer or contractor independently registers and reports pursuant to Section 2-631(3). If the registrant lobbies for more than one person, they shall identify which expenditures were made on behalf of each such person. Any expenditure over \$100.00 shall disclose not only the amount of the expenditure and to whom or for whose benefit such expenditure was made, but also disclose the date of the expenditure, the use and purpose for which the expenditure was made, and the County matter in connection with which the expenditure was made. If the registrant made no such expenditures during the reporting periods herein described, the registrant shall file and state herein that the registrant had no such expenditures.

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(2) The Lobbying activity report shall include all lobbying contacts made with County officials or County employees. For each such contact, the report shall list the date of the contact, the County official or County employee with whom the lobbying contact was made, the title of the County official or County employee, the entity on whose behalf the lobbying contact was made, the subject matter of the of the lobbying contact, including any County contract, involved in the contact. If the lobbyist has a relationship be birth or marriage with the County official or employee lobbied, such relationship shall be stated. If the registrant made no such lobbying contacts during the reporting periods herein described, the registrant shall file and state herein that the registrant had no such contacts.

(b) Individual expenditures which aggregate \$100.00 or less otherwise required to be reported hereunder under (a)(1) of this Section may be reported in aggregate amounts without detail, provided that any gift solicited by a County official or County employee must be reported in detail as set forth above, additionally listing the recipient of such gift.

(c) Reports required under (a)(1) of this Section shall include for each client the following aggregate expenses attributable to lobbying activities, to be identified as such: advertising and publications; lodging and travel that are not reported by another registrant; educational or advocacy expenses; honoraria; meals, beverages, and entertainment expenses; political contributions; and gifts.

(d) With respect to each client of the registrant, the registrant shall report the following in the lobbying activity and expenditure report:

- (1) The name, business and permanent address and nature of business of the client and any other business entities on whose behalf lobbying was performed for the same compensation.
- (2) A statement of the amount of compensation.
- (3) The name and title of each person lobbied and a brief description of the County matter involved.

(e) A registrant who terminates employment or duties which required registration under this division shall give submit to the Clerk, within 30 days after the date of such termination, written notice of such termination and shall include therewith a report of the an online lobbying activity and lobbying expenditures report described herein, covering the period of time since the filing of the registrant's last report to the date of termination of employment, and a report of the lobbying activity described herein, covering the period of time since the filing of the registrant's last report to the date of termination of employment. The Clerk shall post the filed reports on the Clerk's website within three business days from the established due date. Such notices and reports shall be final and relieve such registrant of further reporting under this division unless and until the person later takes employment or assumes duties that require to again register under this division.

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(f) Failure without just cause to file any such report within the time designated herein or the knowing reporting of false or incomplete information shall constitute a violation of this division. In addition to other penalties provided in this division, any person filing a late report under this section shall be assessed a late filing fee as set out in Section 32-1 per day the report is late, payable to the Clerk upon filing. Any person filing a late report after January 31 (for reports due by January 20) or after July 31 (for reports due by July 20) shall also be subject to a penalty of \$150.00 per day, to be levied as set forth in Section 2-637. Any registrant who is required to file a report hereunder may effect one 30-day extension of time for filing the report by filing with the Clerk, not less than ten days before the date on which the statement is due, a declaration of intention to defer the filing of the report. The filing of such declaration shall suspend application of the penalty provisions contained herein for the duration of the extension. Failure to file by the extended date shall constitute a violation of this division and shall subject the registrant to the penalty described herein. In addition to the lobbying activity and expenditure report required under (a)(2) of this section, any lobbyist must report all lobbying contacts related to any item for consideration before the Cook County Board of Commissioners, to the Department or elected official sponsoring the related item within 24 hours of each lobbying contact. For each such contact, the report shall list the date of the contact, the County official or County employee with whom the lobbying contact was made, the title of the County official or County employee, the entity on whose behalf the lobbying contact was made, the subject matter of the lobbying contact, including any County contract, involved in the contact.

(1) All known lobbying contacts on any item for consideration before the Cook County Board of Commissioners shall be reported by the Department or elected official sponsoring the item when the item is entered into the Automated Board Agenda for appearance on the agenda with the item. If lobbying contacts are made following the Automated Board Agenda deadline set by the Clerk of the Board, the Department or elected official shall submit the amended lobbying contact report in writing to the Clerk of the Board for inclusion on the errata prior to the meeting for which the item was submitted.

(g) Failure without just cause to file any such report within the time designated herein or the knowing reporting of false or incomplete information shall constitute a violation of this division. In addition to other penalties provided in this division, any person filing a late report under this section shall be assessed a late filing fee as set out in Section 32-1 per day the report is late, payable to the Clerk upon filing. Any person filing a late report after January 31 (for reports due by January 20) or after July 31 (for reports due by July 20) shall also be subject to a penalty of \$150.00 per day, to be levied as set forth in Section 2-637. Any registrant who is required to file a report hereunder may effect one 30-day extension of time for filing the report by filing with the Clerk, not less than ten days before the date on which the statement is due, a declaration of intention to defer the filing of the report. The filing of such declaration shall suspend application of the penalty provisions contained herein for the duration of the extension. Failure to file by the extended date shall constitute a violation of this division and shall subject the registrant to the penalty described herein.

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Sec. 2-637. Enforcement.

(a) Any person found by a court to be guilty of filing a late registration or report after January 31 (in the case of reports due after January 20) or after July 31 (in the case of reports due by July 20) shall be assessed a fine of \$100.00 \$150.00 per day late.

(b) In addition to the penalties provided for in Subsection (a) of this section, any person convicted of any violation of any provision of this division is prohibited for a period of three years from the date of the conviction from engaging, directly or indirectly, in any lobbying activities.

Sec. 2-640. Duty to report persons who have failed to register.

County officials, heads of any County departments and each County employee designated by a County official or department head as having contract or policy-making authority shall be required to report to the Clerk any person who they believe has undertaken to influence any legislative or administrative action when such official, department head or designated County employee has knowledge that the person who they believe has undertaken to influence legislative or administrative action is not registered as a lobbyist as required by this article. The Clerk shall review their records to verify whether or not the individual in question has registered as a lobbyist, and if not shall, pursuant to Section 2-635 of this Code, report any violations or suspected violations of this division to the State's Attorney of Cook County.

Effective date: This Amended Ordinance shall be in effect immediately upon adoption.

* Referred to the Committee on Finance on May 18, 2010.

Commissioner Gainer, seconded by Commissioner Silvestri, moved to defer consideration of the Proposed Ordinance Amendment (Communication Number 306665). On a voice-vote, the motion to defer carried.

Chairman Daley informed the members there are two (2) amendments relating to Communication Number 306665, Amendments Number 16 and 17, as follows:

AMENDMENT #16

AMENDMENT TO COMMUNICATION NO. 306665

Sponsor(s): Commissioners John P. Daley and Bridget Gainer

Explanation (purpose) of Amendment:

The amendment requires that the Clerk of the Board compile the lobbying contact information, prepare a report, and distribute to the County Board prior to commencement of a Board meeting. Thereafter, the lobbying contacts information shall be included in the Post Board Action Agenda, and further, shall appear with the respective Agenda item. The lobbying contact report shall be posted on the County Clerk's website at the time of its issuance. The Post Board Action Agenda is currently posted on the Clerk's website.

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The Clerk of the Board has imposed deadlines for submission of items (excluding the Cook County Board of Commissioners) generally *three (3) weeks* in advance of a County Board meeting. Therefore, it is likely the lobbying contacts information would be provided subsequent to the issuance of a County Board Agenda.

For example, for the September 15, 2010 Board Meeting, the Clerk of the Board's deadline was Wednesday, August 25, 2010 at Noon; and for the October 5, 2010 Board meeting, the deadline was Tuesday, September 14, 2010.

Moreover, an Errata is no longer issued by the Clerk of the Board in accordance with the directives of the President in Memoranda dated July 14, 2010 and August 27, 2010, respectively. The second page of the July 14, 2010 Memorandum refers to the Errata, as follows: "*Errata: The Clerk of the Board will no longer prepare an errata for each agenda. The Clerk of the Board will only indicate which items have been withdrawn.*"

The change in Section 2-634(g) simply eliminated the underlining, and changed the lettering from (f) to (g), as there were no changes to this particular section.

Amends:

Sections 2-634(f) and (g). Reports

Sec. 634. Reports

(f) In addition to the lobbying activity and expenditure report required under (a)(2) of this section, any lobbyist must report all lobbying contacts related to any item for consideration before the Cook County Board of Commissioners, to the Department or elected official sponsoring the related item within 24 hours of each lobbying contact. For each such contact, the report shall list the date of the contact, the County official or County employee with whom the lobbying contact was made, the title of the County official or County employee, the entity on whose behalf the lobbying contact was made, the subject matter of the of the lobbying contact, including any County contract, involved in the contact.

All known lobbying contacts on any item for consideration before the Cook County Board of Commissioners shall be reported by the Department or elected official sponsoring the item when the item is entered into the Automated Board Agenda for appearance on the agenda with the item. If lobbying contacts are made following the Automated Board Agenda deadline set by to the Clerk of the Board. The Clerk of the Board shall compile the information, prepare a report, and distribute said report to the Cook County Board of Commissioners immediately prior to commencement of a Board meeting. The information contained in the report shall be incorporated in the Post Board Action Agenda and shall appear with the respective item on the County Board Agenda. The lobbying contact report shall be posted on the County Clerk's website at the time of its issuance. the Department or elected official shall submit the amended lobbying contact report in writing to the Clerk of the Board for inclusion on the errata prior to the meeting for which the item was submitted.

(f g) Failure without just cause to file any such report within the time designated herein or the knowing reporting of false or incomplete information shall constitute a violation of

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this division. In addition to other penalties provided in this division, any person filing a late report under this section shall be assessed a late filing fee as set out in Section 32-1 per day the report is late, payable to the Clerk upon filing. Any person filing a late report after January 31 (for reports due by January 20) or after July 31 (for reports due by July 20) shall also be subject to a penalty of \$150.00 per day, to be levied as set forth in Section 2-637. Any registrant who is required to file a report hereunder may effect one 30-day extension of time for filing the report by filing with the Clerk, not less than ten days before the date on which the statement is due, a declaration of intention to defer the filing of the report. The filing of such declaration shall suspend application of the penalty provisions contained herein for the duration of the extension. Failure to file by the extended date shall constitute a violation of this division and shall subject the registrant to the penalty described herein.

Amendment Number 16 was withdrawn by the Sponsors.

AMENDMENT #17

AMENDMENT TO COMMUNICATION NO. 306665

Sponsor(s): Commissioners John P. Daley and Bridget Gainer

Explanation (purpose) of Amendment:

The amendment requires that the Clerk of the Board compile the lobbying contact information, prepare a report, and distribute to the County Board prior to commencement of a Board meeting. Thereafter, the lobbying contacts information shall be included in the Post Board Action Agenda, and further, shall appear with the respective Agenda item. The lobbying contact report shall be posted on the County Clerk's website at the time of its issuance. The Post Board Action Agenda is currently posted on the Clerk's website.

The Clerk of the Board has imposed deadlines for submission of items (excluding the Cook County Board of Commissioners) generally *three (3) weeks* in advance of a County Board meeting. Therefore, it is likely the lobbying contacts information would be provided subsequent to the issuance of a County Board Agenda.

For example, for the September 15, 2010 Board Meeting, the Clerk of the Board's deadline was Wednesday, August 25, 2010 at Noon; and for the October 5, 2010 Board meeting, the deadline was Tuesday, September 14, 2010.

Moreover, an Errata is no longer issued by the Clerk of the Board in accordance with the directives of the President in Memoranda dated July 14, 2010 and August 27, 2010, respectively. The second page of the July 14, 2010 Memorandum refers to the Errata, as follows: "*Errata: The Clerk of the Board will no longer prepare an errata for each agenda. The Clerk of the Board will only indicate which items have been withdrawn.*"

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Amends:

Sections 2-634(f) and (g). Reports

Sec. 634. Reports

(f) In addition to the lobbying activity and expenditure report required under (a)(2) of this section, any lobbyist must report all lobbying contacts related to any item for consideration before the Cook County Board of Commissioners, to the Department or elected official sponsoring the related item within 24 hours of each lobbying contact. For each such contact, the report shall list the date of the contact, the County official or County employee with whom the lobbying contact was made, the title of the County official or County employee, the entity on whose behalf the lobbying contact was made, the subject matter of the lobbying contact, including any County contract, involved in the contact.

All known lobbying contacts on any item for consideration before the Cook County Board of Commissioners shall be reported by the Department or elected official sponsoring the item when the item is entered into the Automated Board Agenda for appearance on the agenda with the item. If lobbying contacts are made following the Automated Board Agenda deadline set by the Clerk of the Board. The Clerk of the Board shall compile the information, prepare a report, and distribute said report to the Cook County Board of Commissioners immediately prior to commencement of a Board meeting. The information contained in the report shall be incorporated in the Post Board Action Agenda with the respective item. The lobbying contact report shall be posted on the County Clerk's website at the time of its issuance. the Department or elected official shall submit the amended lobbying contact report in writing to the Clerk of the Board for inclusion on the errata prior to the meeting for which the item was submitted.

(f g) Failure without just cause to file any such report within the time designated herein or the knowing reporting of false or incomplete information shall constitute a violation of this division. In addition to other penalties provided in this division, any person filing a late report under this section shall be assessed a late filing fee as set out in Section 32-1 per day the report is late, payable to the Clerk upon filing. Any person filing a late report after January 31 (for reports due by January 20) or after July 31 (for reports due by July 20) shall also be subject to a penalty of \$150.00 per day, to be levied as set forth in Section 2-637. Any registrant who is required to file a report hereunder may effect one 30-day extension of time for filing the report by filing with the Clerk, not less than ten days before the date on which the statement is due, a declaration of intention to defer the filing of the report. The filing of such declaration shall suspend application of the penalty provisions contained herein for the duration of the extension. Failure to file by the extended date shall constitute a violation of this division and shall subject the registrant to the penalty described herein.

By consensus, Amendment Number 17 was deferred.

Your Committee next considered Communication Number 306666, a Proposed Ordinance Amendment to the Lobbyist Registration Ordinance.

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306666 AMENDMENT TO THE LOBBYIST REGISTRATION ORDINANCE (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by William M. Beavers, County Commissioner.

PROPOSED ORDINANCE AMENDMENT

LOBBYIST REGISTRATION ORDINANCE AMENDMENT

BE IT ORDAINED, Pursuant to Cook County's home rule authority under Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, by the Cook County Board of Commissioners ("County Board") that amends Chapter 2 Administration, Section 2-622 entitled "Definitions" and creates 2-641 entitled "Prohibition from Lobbying Activities" of the Cook County Code are thereafter amended, included and renumbered as follows:

Sec. 2-622. Definitions.

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative action means the execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual agreement, purchasing agreement or other delegated legislative or quasi-legislative action to be taken or withheld by any County official or County employee.

Board means the County Board and any and all of its standing or special committees or subcommittees.

Clerk means the duly elected or appointed Clerk of the County.

Commissioner means any of the duly elected or duly appointed County Board members.

Compensation means money, thing of value or other pecuniary benefits received or to be received in return for, or as reimbursement for, or as a result of, services rendered or to be rendered, for lobbying. This includes a contract, promise or agreement, whether or not legally enforceable, to provide or arrange for compensation for services rendered or to be rendered.

County agency means any board, commission, department or authority under the jurisdiction of the President or Board or any other County official.

County employee means an individual employed by the County whether part-time or full-time.

County matter means any executive action, legislative action or administrative action.

County official means the Assessor, members of the Board of (Tax) Appeals, Clerk of the Circuit Court, Clerk, Commissioners, President, Recorder of Deeds, Sheriff, State's Attorney, Regional Superintendent of Schools and Treasurer of the County, and any County agency or member thereof.

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Direct Affiliation means relationship with any natural person or spouse, father, mother, son or daughter possessing or owning an interest in a Lobbying Enterprise.

Executive action means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by a County official or County employee of a rule, regulation, order, decision, determination, contractual agreement, purchasing agreement or other quasi-legislative or quasi-judicial action or proceeding.

Expenditure means anything having a value of \$10.00 or more including, but not limited to, a payment, distribution, loan, advance, deposit, political contribution, honoraria, travel or entertainment expense, meal or beverage expense, or gift of money. This includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure, for services rendered or to be rendered.

File, filed, or filing means:

- (1) Delivery to an office of the Clerk by the close of business of the prescribed filing date; or
- (2) Deposit with the United States Postal Service, postage prepaid, in sufficient time so that the mailed documents arrive at an office of the Clerk by the close of business of the prescribed filing date.

Gift means anything having a value of \$10.00 or more given without consideration or expectation of return.

Legislation means ordinances, resolutions, amendments, nominations, appointments, reports, contracts or proposed contracts, and other matters pending or proposed in the Board or which require Board approval.

Legislative action means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment, or passage or defeat of any ordinance, amendment, motion, resolution, report, nomination, administrative rule or other matter by any County official or County employee. The term "legislative action" also means the action of the President in approving or vetoing any ordinance, resolution or motion or portion thereof, and the action of any County official or County employee in the development of a proposal for introduction before the Board.

Lobby or lobbying means to, for compensation, attempt to influence a County official or County employee with respect to any County matter.

Lobbyist means any person who lobbies.

"Lobbying Enterprise" means any entity that hires, retains, employs, or compensates a natural person to lobby local, state or federal governments or agencies.

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Person means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, and whether or not operated for profit.

Political contribution means any money or thing of value given to a political committee, as defined in 10 ILCS 5/9-1.9 (political committee defined), in the County.

Sec. 2-641. Prohibition from Lobbying Activities.

The President of the Cook County Board, the Assessor, the Clerk of the Circuit Court, the County Clerk, the Board of Review, the Recorder of Deeds, the Sheriff, the State's Attorney, the Public Defender, the Treasurer and any Cook County Commissioner are hereby prohibited, while serving in such elected or appointed position, from lobbying (as defined under Chapter 2, Section 2-622 of Article I of the County Code) or having any Direct Affiliation with any Lobbying Enterprise.

* Referred to the Committee on Finance on May 18, 2010.

Commissioner Beavers, seconded by Commissioner Murphy, moved that the Substitute Ordinance Amendment for Communication Number 306666, reflected as Amendment Number 15, be approved.

Chairman Daley informed the members there are three (3) amendments relating to Communication Number 306666, Amendments Number 1, 2 and 15, as follows:

AMENDMENT #1

AMENDMENT TO COMMUNICATION NO. 306666

Sponsor(s): Commissioner John P. Daley

Explanation (purpose) of Amendment:

Corrects the name of the agency from Board of (Tax) Appeals to Board of Review. The agency has been named the Board of Review since the year 2000.

Also, the Regional Superintendent of Schools was abolished pursuant to H.B. 16, P.A. 96-0893 effective July 1, 2010.

Amends:

Sec. 6-622. Definitions

County official means the Assessor, members of the Board of (Tax) Appeals Review, Clerk of the Circuit Court, Clerk, Commissioners, President, Recorder of Deeds, Sheriff, State's Attorney, **Regional Superintendent of Schools** and Treasurer of the County, and any County agency or member thereof.

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Commissioner Beavers, seconded by Commissioner Murphy, moved approval of Amendment Number 1. On a voice-vote, the motion to approve carried.

AMENDMENT #2

AMENDMENT TO COMMUNICATION NO. 306666

Sponsor(s): Commissioner John P. Daley

Explanation (purpose) of Amendment:

The Proposed Ordinance Amendment was submitted without an Effective Date.

Adds:

Effective date: This Amended Ordinance shall be in effect immediately upon adoption.

Commissioner Beavers, seconded by Commissioner Murphy, moved approval of Amendment Number 2. On a voice-vote, the motion to approve carried.

AMENDMENT #15

SUBSTITUTE FOR COMMUNICATION NO. 306666

Sponsor(s): Commissioners William M. Beavers, Jerry Butler, Forrest Claypool, Earlean Collins, John P. Daley, Bridget Gainer, Elizabeth "Liz" Doody Gorman, Gregg Goslin, Joseph Mario Moreno, Joan P. Murphy, Anthony J. Peraica, Edwin Reyes, Timothy O. Schneider, Peter N. Silvestri, Deborah Sims, Robert B. Steele and Larry Suffredin

PROPOSED SUBSTITUTE ORDINANCE AMENDMENT

LOBBYIST REGISTRATION ORDINANCE AMENDMENT

BE IT ORDAINED, Pursuant to Cook County's home rule authority under Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, by the Cook County Board of Commissioners ("County Board") that amends Chapter 2 Administration, Section 2-622 entitled "Definitions" and creates 2-641 entitled "Prohibition from Lobbying Activities" of the Cook County Code are thereafter amended, included and renumbered as follows:

Sec. 2-622. Definitions.

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Administrative action means the execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual agreement, purchasing agreement or other delegated legislative or quasi-legislative action to be taken or withheld by any County official or County employee.

Board means the County Board and any and all of its standing or special committees or subcommittees.

Clerk means the duly elected or appointed Clerk of the County.

Commissioner means any of the duly elected or duly appointed County Board members.

Compensation means money, thing of value or other pecuniary benefits received or to be received in return for, or as reimbursement for, or as a result of, services rendered or to be rendered, for lobbying. This includes a contract, promise or agreement, whether or not legally enforceable, to provide or arrange for compensation for services rendered or to be rendered.

County agency means any board, commission, department or authority under the jurisdiction of the President or Board or any other County official.

County employee means an individual employed by the County whether part-time or full-time.

County matter means any executive action, legislative action or administrative action.

County official means the Assessor, members of the Board of (Tax) Appeals, Clerk of the Circuit Court, Clerk, Commissioners, President, Recorder of Deeds, Sheriff, State's Attorney, Regional Superintendent of Schools and Treasurer of the County, and any County agency or member thereof.

Direct Affiliation means relationship with any natural person or spouse, father, mother, son or daughter possessing or owning an interest in a Lobbying Enterprise.

Executive action means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by a County official or County employee of a rule, regulation, order, decision, determination, contractual agreement, purchasing agreement or other quasi-legislative or quasi-judicial action or proceeding.

Expenditure means anything having a value of \$10.00 or more including, but not limited to, a payment, distribution, loan, advance, deposit, political contribution, honoraria, travel or entertainment expense, meal or beverage expense, or gift of money. This includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure, for services rendered or to be rendered.

File, filed, or filing means:

- (1) Delivery to an office of the Clerk by the close of business of the prescribed filing date; or

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(2) Deposit with the United States Postal Service, postage prepaid, in sufficient time so that the mailed documents arrive at an office of the Clerk by the close of business of the prescribed filing date.

Gift means anything having a value of \$10.00 or more given without consideration or expectation of return.

Legislation means ordinances, resolutions, amendments, nominations, appointments, reports, contracts or proposed contracts, and other matters pending or proposed in the Board or which require Board approval.

Legislative action means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment, or passage or defeat of any ordinance, amendment, motion, resolution, report, nomination, administrative rule or other matter by any County official or County employee. The term "legislative action" also means the action of the President in approving or vetoing any ordinance, resolution or motion or portion thereof, and the action of any County official or County employee in the development of a proposal for introduction before the Board.

Lobby or *lobbying* means to, for compensation, attempt to influence a County official or County employee with respect to any County matter.

Lobbyist means any person who lobbies.

"Lobbying Enterprise" means any entity that hires, retains, employs, or compensates a natural person to lobby local, state or federal governments or agencies.

Person means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, and whether or not operated for profit.

Political contribution means any money or thing of value given to a political committee, as defined in 10 ILCS 5/9-1.9 (political committee defined), in the County.

Sec. 2-641. Prohibition from Lobbying Activities.

The President of the Cook County Board, the Assessor, the Clerk of the Circuit Court, the County Clerk, the Board of Review, the Recorder of Deeds, the Sheriff, the State's Attorney, the Public Defender, the Treasurer and any Cook County Commissioner are hereby prohibited, while serving in such elected or appointed position, from lobbying (as defined under Chapter 2, Section 2-622 of Article I of the County Code) or having any Direct Affiliation with any Lobbying Enterprise.

Leave was granted to add all members as Sponsors to Amendment Number 15, a Substitute Ordinance for Communication Number 306666.

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On the motion to approve Amendment #15, a Substitute Ordinance for Communication Number 306666, Commissioner Peraica called for a Roll Call, the vote of yeas and nays being as follows:

ROLL CALL ON MOTION TO APPROVE
AMENDMENT NUMBER 15, A SUBSTITUTE ORDINANCE
FOR COMMUNICATION NUMBER 306666

Yea: Commissioners Beavers, Butler, Claypool, Collins, Gainer, Gorman, Goslin, Moreno, Murphy, Peraica, Reyes, Schneider, Silvestri, Vice Chairman Sims, Steele, Suffredin and Chairman Daley (17)

Nay: None.

The motion to approve Amendment Number 15 carried, and the Substitute Ordinance for Communication Number 306666 was APPROVED.

Commissioner Beavers, seconded by Commissioner Murphy, moved to reconsider the vote by which the Substitute Ordinance (Communication Number 306666) was approved. A Roll Call was taken, the vote of yeas and nays being as follows:

ROLL CALL ON MOTION TO RECONSIDER

Yea: None.

Nay: Commissioners Beavers, Butler, Claypool, Collins, Gainer, Gorman, Goslin, Moreno, Murphy, Peraica, Reyes, Schneider, Silvestri, Vice Chairman Sims, Steele, Suffredin and Chairman Daley (17)

The motion to reconsider failed and the Substitute Ordinance for Communication Number 306666 (Amendment Number 15) was APPROVED.

Your Committee next considered Communication Number 308460, a Proposed Ordinance Amendment to the Lobbyist Registration Ordinance.

308460 AMENDMENT TO THE LOBBYIST REGISTRATION ORDINANCE (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Elizabeth "Liz" Doody Gorman, County Commissioner.

PROPOSED ORDINANCE AMENDMENT

AMENDMENT TO SECTION 2-622 REGARDING DEFINITIONS

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article VII Ethics, Division 3 Lobbyist, Subdivision I In General, Section 2-622 of the Cook County Code is hereby amended as follows:

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Sec. 2-622. Definitions.

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative action means the execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual agreement, purchasing agreement or other delegated legislative or quasi-legislative action to be taken or withheld by any County official or County employee.

Board means the County Board and any and all of its standing or special committees or subcommittees.

Clerk means the duly elected or appointed Clerk of the County.

Commissioner means any of the duly elected or duly appointed County Board members.

Compensation means money, thing of value or other pecuniary benefits received or to be received in return for, or as reimbursement for, or as a result of, services rendered or to be rendered, for lobbying. This includes a contract, promise or agreement, whether or not legally enforceable, to provide or arrange for compensation for services rendered or to be rendered.

County agency means any board, commission, department or authority under the jurisdiction of the President or Board or any other County official.

County employee means an individual employed by the County whether part-time or full-time.

County matter means any executive action, legislative action or administrative action.

County official means the Assessor, members of the Board of (Tax) Appeals, Clerk of the Circuit Court, Clerk, Commissioners, President, Recorder of Deeds, Sheriff, State's Attorney, Regional Superintendent of Schools and Treasurer of the County, and any County agency or member thereof.

Executive action means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by a County official or County employee of a rule, regulation, order, decision, determination, contractual agreement, purchasing agreement or other quasi-legislative or quasi-judicial action or proceeding.

Expenditure means anything having a value of \$10.00 or more including, but not limited to, a payment, distribution, loan, advance, deposit, political contribution, honoraria, travel or entertainment expense, meal or beverage expense, or gift of money. This includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure, for services rendered or to be rendered.

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File, filed or filing means:

- (1) Delivery to an office of the Clerk by the close of business of the prescribed filing date; or
- (2) Deposit with the United States Postal Service, postage prepaid, in sufficient time so that the mailed documents arrive at an office of the Clerk by the close of business of the prescribed filing date.

Gift means anything having a value of \$10.00 or more given without consideration or expectation of return.

Legislation means ordinances, resolutions, amendments, nominations, appointments, reports, contracts or proposed contracts, and other matters pending or proposed in the Board or which require Board approval.

Legislative action means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment, or passage or defeat of any ordinance, amendment, motion, resolution, report, nomination, administrative rule or other matter by any County official or County employee. The term "legislative action" also means the action of the President in approving or vetoing any ordinance, resolution or motion or portion thereof, and the action of any County official or County employee in the development of a proposal for introduction before the Board.

~~*Lobby or lobbying* means to, for compensation, attempt to influence a County official or County employee with respect to any County matter.~~

Lobbyist means any person who lobbies, on behalf of any person other than himself, or as any part of his duties as an employee of another, undertakes to influence any legislative or administrative action, including but not limited to:

- (1) A bond inducement ordinance;
- (2) A zoning matter;
- (3) A concession agreement;
- (4) The creation of a tax increment financing district;
- (5) The establishment of a Class 6(b) Cook County property tax classification;
- (6) The introduction, passage or other action to be taken on an ordinance, resolution, motion, order, appointment or other matter before the Cook County Board of Commissioners;
- (7) The preparation of contract specifications;
- (8) The solicitation, award or administration of a contract;

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- (9) The award or administration of a grant, loan, or other agreement involving the disbursement of public monies; or
- (10) Any other determination made by an elected or appointed county official or employee of the county with respect to the procurement of goods, services or construction.

Provided, however, that a person shall not be deemed to have undertaken to influence any legislative or administrative action solely by submitting an application for a county permit or license or by responding to a county request for proposals or qualifications.

The term "lobbyist" shall include, but not be limited to, any attorney, accountant, or consultant engaged in the above-described activities; provided, however, that an attorney shall not be considered a lobbyist while representing clients in a formal adversarial hearing, unless said attorney is also an elected official of the county; and provided further that the term "lobbyist" shall not include a person who, on an unpaid basis, seeks to influence legislative or administrative action on behalf of an entity that is not engaged in a profit-seeking enterprise; further provided that an employee, officer or director of a not-for-profit entity who seeks to influence legislative or administrative action on behalf of such an entity shall not be considered a lobbyist for purposes of this chapter.

Person means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, and whether or not operated for profit.

Political contribution means any money or thing of value given to a political committee, as defined in 10 ILCS 5/9-1.9 (political committee defined), in the County.

* **Referred to the Committee on Finance on September 1, 2010.**

Commissioner Gorman, seconded by Commissioner Schneider, moved that the Ordinance Amendment (Communication Number 308460) be approved.

Chairman Daley informed the members there are two (2) amendments relating to Communication No. 308460, Amendments Number 3 and 4, as follows:

AMENDMENT #3

AMENDMENT TO COMMUNICATION NO. 308460

Sponsor(s): **Commissioner John P. Daley**

Explanation (purpose) of Amendment:

Corrects the name of the agency from Board of (Tax) Appeals to Board of Review. The agency has been named the Board of Review since the year 2000.

Also, the Regional Superintendent of Schools was abolished pursuant to H.B. 16, P.A. 96-0893 effective July 1, 2010.

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Amends:

Sec. 6-622. Definitions

County official means the Assessor, members of the Board of ~~(Tax) Appeals Review~~, Clerk of the Circuit Court, Clerk, Commissioners, President, Recorder of Deeds, Sheriff, State's Attorney, ~~Regional Superintendent of Schools~~ and Treasurer of the County, and any County agency or member thereof.

Commissioner Gorman, seconded by Commissioner Schneider, moved approval of Amendment Number 3. On a voice-vote, the motion to approve carried.

AMENDMENT #4

AMENDMENT TO COMMUNICATION NO. 308460

Sponsor(s): Commissioner John P. Daley

Explanation (purpose) of Amendment:

The Proposed Ordinance Amendment was submitted without an Effective Date.

Adds:

Effective date: This Amended Ordinance shall be in effect immediately upon adoption.

Commissioner Gorman, seconded by Commissioner Schneider, moved approval of Amendment Number 4. On a voice-vote, the motion to approve carried.

Commissioner Gorman, seconded by Commissioner Schneider, moved that the Ordinance Amendment (Communication Number 308460) be approved, as amended. Commissioner Peraica called for a Roll Call, the vote of yeas and nays being as follows:

**ROLL CALL ON MOTION TO APPROVE
THE ORDINANCE AMENDMENT
(COMMUNICATION NO. 308460) AS AMENDED**

Yea: Commissioners Beavers, Claypool, Collins, Gorman, Goslin, Moreno, Murphy, Reyes, Schneider, Silvestri, Vice Chairman Sims, Steele, Suffredin and Chairman Daley (14)

Nay: Commissioners Butler and Peraica (2)

Absent: Commissioner Gainer (1)

The motion carried and the Ordinance Amendment (Communication No. 308460) was APPROVED AS AMENDED.

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Your Committee next considered Communication Number 298633, a Proposed Ordinance Amendment to the Code of Ethical Conduct Ordinance.

298633 AMENDMENT TO THE CODE OF ETHICAL CONDUCT ORDINANCE (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Forrest Claypool, Gregg Goslin and Mike Quigley, County Commissioners; Co-Sponsored by Anthony J. Peraica, County Commissioner.

PROPOSED ORDINANCE AMENDMENT

WHEREAS, the County of Cook, Illinois is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Illinois Constitution, and pursuant to the authority therein granted, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, on August 3, 1993, pursuant to its home rule powers, the Board of Commissioners of Cook County adopted an Ordinance establishing a Code of Ethical Conduct for Cook County officials and employees which Ordinance was effective September 1, 1993; and

WHEREAS, effective November 19, 2003, the General Assembly of Illinois enacted the State Officials and Employees Ethics Act, 5 ILCS 430 et seq., ("State Ethics Act") which establishes a code of ethical conduct for all state officers, members of the Illinois General Assembly, and state employees; and

WHEREAS, the State Ethics Act also provides that within six months of its enactment, Cook County shall regulate the political activities of certain officials and employees of Cook County, and the solicitation and acceptance of gifts by the offering and making of gifts to officials and employees of Cook County in a manner no less restrictive than the provisions of the State Ethics Act; and

WHEREAS, it is essential to the proper operation of representative government that public officials and employees be independent and impartial; that public office and employment not be used for personal gain, and that the public have full confidence in the integrity and fair and honest administration of government; and

WHEREAS, public officials and employees serve their government in a fiduciary capacity, and must act at all times to avoid conflicts of interest, impropriety, or even the appearance of impropriety; and

WHEREAS, a Code of Ethical Conduct will assist officials and employees of Cook County to conform their conduct to the highest acceptable standards and to properly discharge their fiduciary duties; and

WHEREAS, compliance with a Code of Ethical Conduct will improve standards of public service and strengthen the confidence of the people of Cook County in their government.

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NOW THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2, Administration, Article VII, Sec 2-585 of the Cook County Code is hereby enacted as follows:

Sec. 2-585. Limitations of contributions to candidates and elected officials.

(a) No person who has done business with the County within the preceding four years or is seeking to do business with the County or is a lobbyist registered with the County shall make contributions in an aggregate amount exceeding \$1,500.00:

- (1) To any candidate for County office or elected County official during a single candidacy; or
- (2) To an elected official of the government of the County during any nonelection year of his or her term.

The combined effect of these provisions is intended to permit total contribution up to but not exceeding \$3,000.00 in a year in which a candidacy occurs. A year for purposes of this section is from January 1 to December 31 of each year.

(b) For purposes of Subsection (a) of this section, an entity and its subsidiaries, parent company or otherwise affiliated companies, and any of their employees, officers, directors and partners who make a political contribution for which they are reimbursed by the entity or its affiliates shall be considered a single person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director or partner from making a political contribution for which he is not reimbursed by a person with whom he or she is affiliated, even if that person has made the maximum contribution allowed under Subsection (a) of this section.

(c) Any contributions made under this section shall be reported as required by the Election Code, 10 ILCS 5/1-1 et seq.:

(d) For purposes of Subsection (a) of this section, "done business" or "doing business" means any one or any combination of sales, purchases, leases or contracts to, from or with the County or any County agency in excess of \$10,000.00 in any 12-consecutive months. "Done business" or "doing business" also means representation involving real property assessments, property tax appeals, zoning matters, and property tax incentives, the total fees of which earned or accrued by a person exceed \$10,000.00 in any 12 consecutive months during the previous four years.

(e) To the extent that the Zoning Board, Zoning Administrator, Board of Review and County Assessor may be covered by the provisions herein each shall provide notice of the ethics disclosure requirements as set forth above. The notice should include a statement that any attorney or tax representative who has done business with any of these agencies and earned or accrued greater than \$10,000.00 in any 12 consecutive months during the previous four years as result, must adhere to the campaign contribution limitations set forth by the Cook County Ethics Ordinance.

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The Board of Ethics shall adopt such rules and regulations as necessary to implement this section.

(f) For purposes of Subsection (a) of this section, "seeking to do business" means taking action within the past six months to obtain a contract or business with the County when, if such action were successful, it would result in the person doing business with the County as defined in Subsection (d) of this section.

(g) Any firm, or its officers, directors or partners, contracted by the County to provide financial audits of county finances are prohibited from making campaign contributions to any county official or candidate for county office.

(h) Any firm, or its officers, directors or partners, contracted by the County to act as financial counsel, bond counsel, underwriter's counsel, legal counsel, or financial manager for the issuance of any bond is prohibited from making campaign contributions to any county official or candidate for county office.

* Referred to the Finance Committee on February 4, 2009.

Leave was granted to add Commissioner Goslin as a Sponsor.

Commissioner Claypool, seconded by Commissioner Peraica, moved that the Ordinance Amendment (Communication Number 298633) be approved.

Chairman Daley informed the members there are two (2) amendments relating to Communication Number 298633, Amendments Number 5 and 6, as follows:

AMENDMENT #5

AMENDMENT TO COMMUNICATION NO. 298633

Sponsor(s): Commissioners John P. Daley, Timothy O. Schneider and Gregg Goslin

Explanation (purpose) of Amendment:

This amended language imposes an outright ban on campaign contributions of any amount, at any time, from individuals or businesses doing business with Cook County, to any elected official within Cook County government, and any declared candidate for an elected office within Cook County government. It also removes duplicative sections that prohibit campaign contributions from specific businesses performing certain named services for Cook County, as these would be covered if an outright ban is in effect.

Amends:

Section 2-585 (a) (b) (c) (d) (e) (f) (g).

Limitations of contributions to candidates and elected officials

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Sec. 2-585. Limitations Prohibition of contributions to candidates and elected officials.

(a) No person or business entity who has done business with the County within the preceding four years or is seeking to do business with the County or is a lobbyist registered with the County shall make monetary or in-kind contributions in an aggregate amount exceeding \$1,500.00: to a Candidate Political Committee established in support of, or substantially controlled by, any elected official in Cook County government, or any declared candidate for an elected office in Cook County government.

- (1) To any candidate for County office or elected County official during a single candidacy; or
- (2) To an elected official of the government of the County during any nonelection year of his or her term.

~~The combined effect of these provisions is intended to permit total contribution up to but not exceeding \$3,000.00 in a year in which a candidacy occurs. A year for purposes of this section is from January 1 to December 31 of each year.~~

(b) For purposes of Subsection (a) of this section, a "person" shall include an individual and any immediate family members including spouse and/or children of any age, and "business entity" shall include its subsidiaries, parent company or otherwise affiliated companies, and any of their executive officers, directors, or individuals with an ownership interest or distributive share in excess of 5.0% of the business entity, an entity and its subsidiaries, parent company or otherwise affiliated companies, and any of their employees, officers, directors and partners who make a political contribution for which they are reimbursed by the entity or its affiliates shall be considered a single person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director or partner from making a political contribution for which he is not reimbursed by a person with whom he or she is affiliated, even if that person has made the maximum contribution allowed under Subsection (a) of this section.

(c) Any contributions made under this section shall be reported as required by the Election Code, 10 ILCS 5/1-1 et seq.

(d) For purposes of Subsection (a) of this section, "done business" or "doing business" means any one or any combination of an individual or business entity that has received payment of any sum from Cook County for sales of goods or services to Cook County, purchases, leases or contracts to, from or with the County or any County agency in the previous four year period, or is a party to a contract currently in effect, or has reasonable cause to expect to receive payment from Cook County for sales of goods or services to Cook County, purchases, leases or contracts to, from or with the County or any County agency in the following 12 month period, sales, purchases, leases or contracts to, from or with the County or any County agency in excess of \$10,000.00 in any 12 consecutive months. "Done business" or "doing business" also means representation involving real property assessments, property tax appeals, zoning matters, and property tax incentives the total fees of which earned or accrued by a person exceed \$10,000.00 in any 12 consecutive months during the previous four years.

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(e) d) To the extent that the Zoning Board, Zoning Administrator, Board of Review and County Assessor may be covered by the provisions herein each shall provide notice of the ethics disclosure requirements as set forth above. The notice should include a statement that any attorney or tax representative who has done business with any of these agencies ~~and earned or accrued greater than \$10,000.00~~ in any 12 consecutive months during the previous four years ~~as result~~, must adhere to the campaign contribution ~~limitations~~ ~~prohibition~~ set forth by the Cook County Ethics Ordinance. The Zoning Board, Zoning Administrator, Board of Review and County Assessor shall provide a list to the Board of Ethics, updated quarterly, of attorneys, law firms, and tax representatives filing appeals at their office.

The Board of Ethics shall adopt such rules and regulations as necessary to implement this section.

(f) e) For purposes of Subsection (a) of this section, "seeking to do business" means taking action within the past ~~six twelve~~ months to obtain a contract or business with the County when, if such action were successful, it would result in the person doing business with the County as defined in Subsection ~~(d) (c)~~ of this section.

(g) Any firm, or its officers, directors or partners, contracted by the County to provide financial audits of county finances are prohibited from making campaign contributions to any county official or candidate for county office.

(h) Any firm, or its officers, directors or partners, contracted by the County to act as financial counsel, bond counsel, underwriter's counsel, legal counsel, or financial manager for the issuance of any bond is prohibited from making campaign contributions to any county official or candidate for county office.

Leave was granted to add Commissioner Goslin as a Sponsor.

Commissioner Peraica, seconded by Commissioner Goslin, moved approval of Amendment Number 5. Commissioner Beavers called for a Roll Call, the vote of yeas and nays being as follows:

**ROLL CALL ON MOTION TO APPROVE
AMENDMENT NUMBER 5**

Yea: Commissioners Claypool, Goslin, Peraica, Schneider, Silvestri and Chairman Daley (6)

Nay: Commissioners Beavers, Butler, Collins, Moreno, Murphy, Reyes, Vice Chairman Sims, Steele and Suffredin (9)

Absent: Commissioners Gainer and Gorman (2)

The motion to approve Amendment Number 5 FAILED.

Commissioner Murphy, seconded by Commissioner Moreno, moved to reconsider the question to not approve Amendment Number 5. A Roll Call was taken, the vote of yeas and nays being as follows:

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ROLL CALL ON MOTION TO RECONSIDER

Yea: Commissioners Beavers, Butler, Collins, Moreno, Murphy, Reyes, Vice Chairman Sims, Steele and Suffredin (9)

Nay: Commissioners Claypool, Goslin, Peraica, Schneider, Silvestri and Chairman Daley (6)

Absent: Commissioners Gainer and Gorman (2)

The motion to reconsider carried and Amendment Number 5 was NOT APPROVED.

Commissioner Suffredin, seconded by Commissioner Goslin, moved to defer consideration of Communication Numbers 298633, 306655, 306663, 308454, 308458, 307205, 308457, 308459, and Amendments Number 6 through and including 14 to the October 19, 2010 Finance Committee meeting.

Commissioner Beavers, seconded by Commissioner Peraica, moved to lay the motion to defer on the table. Commissioner Beavers called for a Roll Call, the vote of yeas and nays being as follows:

**ROLL CALL ON MOTION TO LAY
THE MOTION TO DEFER ON THE TABLE**

Yea: Commissioners Beavers, Butler, Collins, Moreno, Murphy, Peraica, Reyes, Schneider, Vice Chairman Sims and Commissioner Steele (10)

Nay: Commissioners Goslin, Silvestri, Suffredin and Chairman Daley (4)

Absent: Commissioners Claypool, Gainer and Gorman (3)

The motion to lay the motion to defer on the table CARRIED.

AMENDMENT #6

AMENDMENT TO COMMUNICATION NO. 298633

Sponsor(s): Commissioners John P. Daley and Gregg Goslin

Explanation (purpose) of Amendment:

The Proposed Ordinance Amendment was submitted without an Effective Date.

Adds:

Effective date: This Amended Ordinance shall be in effect immediately upon adoption.

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Leave was granted to add Commissioner Goslin as a Sponsor.

Commissioner Peraica, seconded by Commissioner Silvestri, moved to defer consideration of Amendment Number 6 to the October 19, 2010 Finance Committee meeting.

Commissioner Beavers, seconded by Commissioner Murphy, moved to lay the motion to defer on the table. On a voice-vote, the motion to lay the motion to defer on the table carried.

Commissioner Claypool, seconded by Commissioner Peraica, moved approval of Amendment Number 6. Commissioner Peraica called for a Roll Call, the vote of yeas and nays being as follows:

ROLL CALL ON MOTION TO APPROVE
AMENDMENT NUMBER 6

Yea: Commissioners Claypool, Collins, Gainer, Gorman, Goslin, Peraica, Reyes, Schneider, Silvestri, Suffredin and Chairman Daley (11)

Nay: Commissioners Beavers, Butler, Moreno, Murphy, Vice Chairman Sims and Steele (6)

The motion carried and Amendment Number 6 was APPROVED.

Commissioner Claypool, seconded by Commissioner Peraica, moved that the Ordinance Amendment (Communication Number 298633) be approved, as amended. Commissioner Peraica called for a Roll Call, the vote of yeas and nays being as follows:

ROLL CALL ON MOTION TO APPROVE
THE ORDINANCE AMENDMENT
(COMMUNICATION NUMBER 298633) AS AMENDED

Yea: Commissioners Claypool, Collins, Gainer, Gorman, Goslin, Moreno, Murphy, Peraica, Reyes, Schneider, Silvestri, Steele, Suffredin and Chairman Daley (14)

Nay: Commissioners Beavers, Butler and Vice Chairman Sims (3)

The motion carried and the Ordinance Amendment (Communication Number 298633) was APPROVED AS AMENDED.

Your Committee next considered Communication Number 306655, a Proposed Ordinance Amendment to the Code of Ethical Conduct Ordinance.

306655 AMENDMENT TO THE CODE OF ETHICAL CONDUCT ORDINANCE (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Anthony J. Peraica, County Commissioner.

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PROPOSED ORDINANCE AMENDMENT

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Section 2-570, Section 2-573, Section 2-580, Section 2-581 and Section 2-585, of the Cook County Code are hereby amended as follows:

Subdivision II. Code of Ethical Conduct.

Sec. 2-570. Current and former elected officials; employment restrictions.

(a) Employment restrictions for current County elected officials.

- (1) No elected official shall accept other employment which will impair his or her independence of judgment in the exercise of official duties.
- (2) No elected official shall accept other employment which will impair his or her ability to perform County duties and responsibilities.
- (3) Beginning January 1, 2011, no elected official shall be registered as a lobbyist, be employed as lobbyist, or represent any individual or entity, other than Cook County, for the purpose of lobbying any local, state or federal official.

(b) Employment restrictions for former County elected officials.

- (1) No former elected official, nor any business or firm in which they have a financial interest, shall assist or represent any person other than the County in any judicial or administrative proceeding involving the County if the elected official was counsel of record or participated personally and substantially in the proceeding during his or her term of office. No former elected officials, or any business or firm in which they have a financial interest shall receive any compensation or reimbursement, for a period of two years after the termination of his or her term of office, for assisting or representing the County in any judicial or administrative proceeding.
- (2) No former elected official, nor any business or firm in which they have a financial interest, shall assist or represent any person in any business transaction involving the County, if the elected official participated personally and substantially in that transaction during his or her term of office.
- (3) No former elected official may, for a period of two years after the termination of his or her term of office, knowingly accept employment or receive compensation or fees for services from an employer if the elected official, during the year immediately preceding the termination of his or her term of office, on behalf of the County, participated personally and substantially in the decision to award County contracts with a cumulative value of over \$25,000.00 to the person or entity, or its parent or subsidiary.

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(4) The requirements of this section may be waived by the Board of Ethics if the Board of Ethics finds in writing that the County's negotiations and decisions regarding the procurement of the contract or contracts were not materially affected by any potential for employment of that elected official by the employer.

(5) This section applies only to persons who terminate an affected position on or after the effective date of this section.

Sec. 2-573. Dual employment.

(a) No official or employee shall accept other employment which will impair his or her independence of judgment in the exercise of official duties.

(b) No official or employee shall accept other employment which will impair his or her ability to perform County duties and responsibilities.

(c) Beginning January 1, 2011, no official or employee shall be registered as a lobbyist, be employed as lobbyist, or represent any individual or entity, other than Cook County, for the purpose of lobbying any local, state or federal official.

Sec. 2-580. Post employment restrictions.

(a) No former official or employee, nor any business or firm in which they have a financial interest, shall assist or represent any person other than the County in any judicial or administrative proceeding involving the County if the official or employee was counsel of record or participated personally and substantially in the proceeding during his or her term of office or employment.

(b) No former official or employee, nor any business or firm in which they have a financial interest, shall assist or represent any person in any business transaction involving the County, if the official or employee participated personally and substantially in that transaction during his or her term of office or employment.

(c) No former official or employee may, for a period of one two years after the termination of his or her term of office or employment, knowingly accept employment or receive compensation or fees for services from an employer if the employee or official, during the year immediately preceding termination of County employment and on behalf of the County, participated personally and substantially in the decision to award County contracts with a cumulative value of over \$25,000.00 to the person or entity, or its parent or subsidiary.

(d) The requirements of this section may be waived by the Board of Ethics if the Board of Ethics finds in writing that the County's negotiations and decisions regarding the procurement of the contract or contracts were not materially affected by any potential for employment of that official or employee by the employer.

(e) This section applies only to persons who terminate an affected position on or after the effective date of this article.

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Sec. 2-581. Interest in County business.

(a) No current elected official or employee shall have a financial interest in his or her own name or in the name of any other person in any contract, work or business of the County or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the County. No former elected official shall have a financial interest in his or her own name or in the name of any other person in any contract, work or business of the County or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the County for a period of two years after the termination of his or her term of office. Compensation for property taken pursuant to the County's eminent domain power shall ~~not~~ constitute a financial interest within the meaning of this section. Unless sold pursuant to a process of competitive bidding following public notice, no elected official or employee shall have a financial interest in the purchase of any property that:

- (1) ~~Belongs to the County;~~
- (2) ~~Is sold for taxes or assessments; or~~
- (3) ~~Is sold by virtue of legal process at the suit of the County.~~

(b) No appointed official shall engage in a transaction described in Subsection (a) of this section unless the matter is wholly unrelated to the appointed official's County duties and responsibilities.

(c) For purposes of this section, the term "financial interest" shall ~~not~~ include the interest of the spouse of an official or employee which interest is related to the independent occupation, profession or employment of the spouse.

Sec. 2-585. Limitations of contributions to candidates and elected officials.

(a) No person who has done business with the County within the preceding four years or is seeking to do business with the County or is a lobbyist registered with the County shall make contributions in an aggregate amount exceeding \$750.00:

- (1) To any candidate for County office or elected County official during a single candidacy; or
- (2) To an elected official of the government of the County during any nonelection year of his or her term.
- (3) To any local, state, or federal campaign committee that is controlled by, or established in support of, a candidate for County office or an elected County official.

The combined effect of these provisions is intended to permit total contribution up to, but not exceeding, \$1,500.00 in a year in which a candidacy occurs. A year, for purposes of this section, is from January 1 to December 31 of each year.

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(b) For purposes of Subsection (a) of this section, an entity and its subsidiaries, parent company or otherwise affiliated companies, and any of their employees, officers, directors and partners who make a political contribution ~~for which they are reimbursed by the entity or its affiliates~~ shall be considered a single person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director or partner from making a political contribution for which he is not reimbursed by a person with whom he or she is affiliated, even if that person has made the maximum contribution allowed under Subsection (a) of this section.

(c) Any contributions made under this section shall be reported as required by the Election Code, 10 ILCS 5/1-1 et seq.

(d) For purposes of Subsection (a) of this section, "done business" or "doing business" means any one or any combination of sales, purchases, leases or contracts to, from or with the County or any County agency, including professional and managerial services, in excess of ~~\$10,000.00~~ \$5,000.00 in any 12-consecutive months. "Done business" or "doing business" also means representation involving real property assessments, property tax appeals, zoning matters, and property tax incentives, the total fees of which earned or accrued by a person exceed ~~\$10,000.00~~ \$5,000.00 in any 12 consecutive months during the previous four years.

(e) To the extent that the Zoning Board, Zoning Administrator, Board of Review and County Assessor may be covered by the provisions herein each shall provide notice of the ethics disclosure requirements as set forth above. The notice should include a statement that any attorney or tax representative who has done business with any of these agencies and earned or accrued greater than ~~\$10,000.00~~ \$5,000.00 in any 12 consecutive months during the previous four years as result, must adhere to the campaign contribution limitations set forth by the Cook County Ethics Ordinance.

The Board of Ethics shall adopt such rules and regulations as necessary to implement this section.

(f) For purposes of Subsection (a) of this section, "seeking to do business" means taking action within the past ~~six~~ 12 months to obtain a contract or business with the County when, if such action were successful, it would result in the person doing business with the County as defined in Subsection (d) of this section.

(g) For the purposes of Subsection (a), contributions to a candidate for County office or elected County official includes contributions to any non-County political funds under that individual's name, therefore any contributions to a candidate's or elected County official's County political fund or non-County political fund shall be combined and counted as an aggregate amount towards a single maximum.

Effective Date: This Ordinance Amendment shall take effect immediately upon adoption.

* Referred to the Committee on Finance on May 18, 2010.

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Commissioner Peraica, seconded by Commissioner Silvestri, moved approval of the Proposed Ordinance Amendment (Communication Number 306655).

Chairman Daley informed the members there is one (1) amendment relating to Communication Number 306655, Amendment Number 7, as follows:

AMENDMENT #7

AMENDMENT TO COMMUNICATION NO. 306655

Sponsor(s): Commissioner Tony Peraica

Explanation (purpose) of Amendment:

Modifies restriction on lobbying by public officials/employees.

Amends:

Section 2-573 (c). Dual employment.

(c) Beginning January 1, 2011, no official or employee shall be registered as a lobbyist, be employed as lobbyist, or represent any individual or entity, other than Cook County, for the purpose of lobbying any local, state or federal official. However, officials and employees may lobby local, state, and federal officials on behalf of a bona fide nonprofit organization which is engaged in charitable, educational, civic, youth or faith based activities as long as the lobbying activities are uncompensated.

Commissioner Peraica moved approval of Amendment Number 7. The motion died due to a lack of a second.

Commissioner Suffredin stated a third party provided him with a copy of an opinion letter from the Office of the State's Attorney addressed to Tim Casey, Director of Legislative Reference Services, who requested the opinion based on a request from Commissioner Peraica. Commissioner Suffredin asked Patrick T. Driscoll, Jr., Deputy State's Attorney, Chief, Civil Actions Bureau, if such an opinion letter exists, and if Commissioner Peraica was in receipt of the opinion letter.

Mr. Driscoll responded that an opinion letter was issued in May 2010 and was provided to Mr. Casey and Commissioner Peraica. Mr. Driscoll continued by stating the "attorney-client privilege" precludes him from providing copies of such types of documents to anyone other than the commissioner who originally requested the opinion.

Commissioner Peraica stated he had provided a copy of the opinion letter to a third party, and he simply forgot he had received it, as the matter was referred to the Finance Committee four months ago. Commissioner Peraica stated he would provide a copy of the opinion letter to each member.

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Commissioner Peraica, seconded by Commissioner Silvestri, moved to defer consideration of the Proposed Ordinance Amendment (Communication Number 306655) to the October 19, 2010 Finance Committee meeting. On a voice-vote, the motion to defer carried.

Your Committee next considered Communication Number 306663, a Proposed Ordinance Amendment to the Code of Ethical Conduct Ordinance.

306663 AMENDMENT TO THE CODE OF ETHICAL CONDUCT ORDINANCE, CHAPTER 2 ADMINISTRATION, SECTION 2-570 (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Larry Suffredin, County Commissioner.

PROPOSED ORDINANCE AMENDMENT

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 Administration, Section 2-570 is hereby enacted as follows:

Subdivision II. Code of Ethical Conduct

Sec. 2-570. Current and Former elected officials; employment restrictions

- (a) Employment restrictions for current County elected officials.
 - (1) No elected official shall accept other employment which will impair his or her independence of judgment in the exercise of official duties.
 - (2) No elected official shall accept other employment which will impair his or her ability to perform County duties and responsibilities.

* Referred to the Committee on Finance on May 18, 2010.

Commissioner Suffredin, seconded by Commissioner Silvestri, moved to defer consideration of the Proposed Ordinance Amendment (Communication Number 306663). On a voice-vote, the motion to defer carried.

Chairman Daley informed the members there is one (1) amendment relating to Communication Number 306663, Amendment Number 8, as follows:

AMENDMENT #8

AMENDMENT TO COMMUNICATION NO. 306663

Sponsor(s): Commissioner John P. Daley

Explanation (purpose) of Amendment:

The Proposed Ordinance Amendment was submitted without an Effective Date.

Adds:

Effective date: This Amended Ordinance shall be in effect immediately upon adoption.

By consensus, Amendment Number 8 was deferred.

Your Committee next considered Communication Number 308454, a Proposed Ordinance Amendment to the Code of Ethical Conduct Ordinance.

308454 AMENDMENT TO THE CODE OF ETHICAL CONDUCT ORDINANCE (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Elizabeth "Liz" Doody Gorman, County Commissioner.

PROPOSED ORDINANCE AMENDMENT

AMENDMENT TO SECTION 2-585 REGARDING LIMITATIONS OF CONTRIBUTIONS TO CANDIDATES AND ELECTED OFFICIALS

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Sec. 2-585 of the Cook County Code is hereby amended as follows:

Sec. 2-585. Limitations of contributions to candidates and elected officials.

(a) No Any person who has done business with the County within the preceding four years or is seeking to do business with the County or is a lobbyist registered with the County shall not make campaign contributions in an aggregate amount exceeding \$750.00 the following amounts:

- (1) To any candidate for County office or elected County official, to any local, state or federal campaign committee that is controlled by, or established in support of, a candidate for County office or elected County official during a single candidacy the period January 1 through June 30 of any year in which the candidate is seeking nomination or election to a county office; or
- (2) To an elected official of the government of the County during any nonelection year of his or her term, a combined total of \$750 to any candidate for County office or elected County official, to any local, state or federal campaign committee that is controlled by, or established in support of, a candidate for County office or elected County official during the period July 1 through December 31 of any year in which the candidate is seeking nomination or election to a county office; or
- (3) To any local, state, or federal campaign committee that is controlled by, or established in support of, a candidate for County office or an elected County official a combined total of \$750 to an elected official of the government of Cook County, to any local, state or federal campaign committee that is controlled by, or established in support of, an elected County official during any nonelection year of his or her term.

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The combined effect of these provisions is intended to permit total contribution up to, but not exceeding, \$1,500.00 in a year in which a candidacy occurs. A year, for purposes of this section, is from January 1 to December 31 of each year.

(b) For purposes of Subsection (a) of this section, an entity and its subsidiaries, parent company or otherwise affiliated companies, and any of their employees, officers, directors and partners who make a political contribution for which they are reimbursed by the entity or its affiliates shall be considered a single person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director or partner from making a political contribution for which he is not reimbursed by a person with whom he or she is affiliated, even if that person has made the maximum contribution allowed under Subsection (a) of this section.

(c) Any contributions made under this section shall be reported as required by the Election Code, 10 ILCS 5/1-1 et seq.

(d) For purposes of Subsection (a) of this section, "done business" or "doing business" means any one or any combination of sales, purchases, leases or contracts to, from or with the County or any County agency in excess of \$10,000.00 in any 12-consecutive months. "Done business" or "doing business" also means representation involving real property assessments, property tax appeals, zoning matters, and property tax incentives, the total fees of which earned or accrued by a person exceed \$10,000.00 in any 12 consecutive months during the previous four years.

(e) To the extent that the Zoning Board, Zoning Administrator, Board of Review and County Assessor may be covered by the provisions herein each shall provide notice of the ethics disclosure requirements as set forth above. The notice should include a statement that any attorney or tax representative who has done business with any of these agencies and earned or accrued greater than \$10,000.00 in any 12 consecutive months during the previous four years as result, must adhere to the campaign contribution limitations set forth by the Cook County Ethics Ordinance.

The Board of Ethics shall adopt such rules and regulations as necessary to implement this section.

(f) For purposes of Subsection (a) of this section, "seeking to do business" means taking action within the past six months to obtain a contract or business with the County when, if such action were successful, it would result in the person doing business with the County as defined in Subsection (d) of this section.

Effective date: This ordinance shall be in effect immediately upon adoption.

* Referred to the Committee on Finance on September 1, 2010.

Commissioner Gorman moved approval of the Proposed Ordinance Amendment (Communication Number 308454). The motion died due to a lack of a second.

Chairman Daley informed the members there are two (2) amendments relating to Communication Number 308454, Amendments Number 9 and 10, as follows:

AMENDMENT #9

AMENDMENT TO COMMUNICATION NO. 308454

Sponsor(s): Commissioners John P. Daley and Timothy O. Schneider

Explanation (purpose) of Amendment:

This amended language imposes an outright ban on campaign contributions of any amount, at any time, from individuals or businesses doing business with Cook County, to any elected official within Cook County government, and any declared candidate for an elected office within Cook County government.

Amends:

Section 2-585 (a) (b) (c) (d) (e) (f). **Limitations of contributions to candidates and elected officials**

Sec. 2-585. Limitations Prohibition of contributions to candidates and elected officials.

(a) ~~No Any person or business entity who has done business with the County within the preceding four years or is seeking to do business with the County or is a lobbyist registered with the County shall not make is prohibited at all times from making campaign contributions, whether monetary or in-kind in an aggregate amount exceeding \$750.00 the following amounts: to a Candidate Political Committee established in support of, or substantially controlled by, any elected official in Cook County government, or any declared candidate for an elected office in Cook County government.~~

- ~~(1) To any candidate for County office or elected County official, to any local, state or federal campaign committee that is controlled by, or established in support of, a candidate for County office or elected County official during a single candidacy the period January 1 through June 30 of any year in which the candidate is seeking nomination or election to a county office; or~~
- ~~(2) To an elected official of the government of the County during any nonelection year of his or her term, a combined total of \$750 to any candidate for County office or elected County official, to any local, state or federal campaign committee that is controlled by, or established in support of, a candidate for County office or elected County official during the period July 1 through December 31 of any year in which the candidate is seeking nomination or election to a county office; or~~
- ~~(3) To any local, state, or federal campaign committee that is controlled by, or established in support of, a candidate for County office or an elected County official a combined total of \$750 to an elected official of the government of Cook County, to any local, state or federal~~

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~~campaign committee that is controlled by, or established in support of, an elected County official during any nonelection year of his or her term.~~

~~The combined effect of these provisions is intended to permit total contribution up to, but not exceeding, \$1,500.00 in a year in which a candidacy occurs. A year, for purposes of this section, is from January 1 to December 31 of each year.~~

(b) For purposes of Subsection (a) of this section, a "person" shall include an individual and any immediate family members including spouse and/or children of any age, and "business entity" shall include its subsidiaries, parent company or otherwise affiliated companies, and any of their executive officers, directors, or individuals with an ownership interest or distributive share in excess of 5.0% of the business entity and its subsidiaries, parent company or otherwise affiliated companies, and any of their employees, officers, directors and partners who make a political contribution for which they are reimbursed by the entity or its affiliates shall be considered a single person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director or partner from making a political contribution for which he is not reimbursed by a person with whom he or she is affiliated, even if that person has made the maximum contribution allowed under Subsection (a) of this section.

(c) ~~Any contributions made under this section shall be reported as required by the Election Code, 10 ILCS 5/1-1 et seq.~~

(d) For purposes of Subsection (a) of this section, "done business" or "doing business" means any one or any combination of an individual or business entity that has received payment of any sum from Cook County for sales of goods or services to Cook County, purchases, leases or contracts to, from or with the County or any County agency in the previous four year period, or is a party to a contract currently in effect, or has reasonable cause to expect to receive payment from Cook County for sales of goods or services to Cook County, purchases, leases or contracts to, from or with the County or any County agency in the following 12 month period sales, purchases, leases or contracts to, from or with the County or any County agency in excess of \$10,000.00 in any 12 consecutive months. "Done business" or "doing business" also means representation involving real property assessments, property tax appeals, zoning matters, and property tax incentives the total fees of which earned or accrued by a person exceed \$10,000.00 in any 12 consecutive months during the previous four years.

(e) To the extent that the Zoning Board, Zoning Administrator, Board of Review and County Assessor may be covered by the provisions herein each shall provide notice of the ethics disclosure requirements as set forth above. The notice should include a statement that any attorney or tax representative who has done business with any of these agencies and earned or accrued greater than \$10,000.00 in any 12 consecutive months during the previous four years as result, must adhere to the campaign contribution limitations prohibition set forth by the Cook County Ethics Ordinance. The Zoning Board, Zoning Administrator, Board of Review and County Assessor shall provide a list to the Board of Ethics, updated quarterly, of attorneys, law firms, and tax representatives filing appeals at their office.

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The Board of Ethics shall adopt such rules and regulations as necessary to implement this section.

~~(f) e~~ For purposes of Subsection (a) of this section, "seeking to do business" means taking action within the past ~~six twelve~~ months to obtain a contract or business with the County when, if such action were successful, it would result in the person doing business with the County as defined in Subsection ~~(d) (c)~~ of this section.

Due to Communication Number 308454 no longer pending before the committee, Amendment Number 9 was withdrawn.

AMENDMENT #10

AMENDMENT TO COMMUNICATION NO. 308454

Sponsor(s): Commissioner Elizabeth "Liz" Doody Gorman

Explanation (purpose) of Amendment:

The phrase "a combined total of \$750.00" was previously omitted from Sec. 2-585 (a)(1). This amendment adds that wording to the paragraph.

Amends:

Amends Section 2-585 (a) (1) (2) and (3).

Limitations of contributions to candidates and elected officials.

- (1) ~~To any candidate for County office or elected County official, a combined total of \$750.00 to any local, state or federal campaign committee that is controlled by, or established in support of, a candidate for County office or elected County official during a single candidacy the period January 1 through June 30 of any year in which the candidate is seeking nomination or election to a county office; or~~
- (2) ~~To an elected official of the government of the County during any nonelection year of his or her term. a combined total of \$750.00 to any candidate for County office or elected County official, to any local, state or federal campaign committee that is controlled by, or established in support of, a candidate for County office or elected County official during the period July 1 through December 31 of any year in which the candidate is seeking nomination or election to a county office; or~~
- (3) ~~To any local, state, or federal campaign committee that is controlled by, or established in support of, a candidate for County office or an elected County official a combined total of \$750.00 to an elected official of the government of Cook County, to any local, state or federal campaign committee that is controlled by, or established in support of, an elected County official during any nonelection year of his or her term.~~

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Due to Communication Number 308454 no longer pending before the committee, Amendment Number 10 was withdrawn.

Your Committee next considered Communication Number 308458, a Proposed Ordinance Amendment to the Code of Ethical Conduct Ordinance.

308458 AMENDMENT TO THE CODE OF ETHICAL CONDUCT ORDINANCE (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Forrest Claypool, Bridget Gainer, Gregg Goslin, Timothy O. Schneider, Peter N. Silvestri, Larry Suffredin, John P. Daley and Elizabeth "Liz" Doody Gorman, County Commissioners; Co-Sponsored by Earlean Collins, Joan P. Murphy and Anthony J. Peraica, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article VII Ethics, Section 2-585 of the Cook County Code of Ordinances is hereby amended as follows:

Sec. 2-585 Limitations of contributions to candidates and elected officials.

(a) No person who has done business with the County within the preceding four years or is seeking to do business with the County or is a lobbyist registered with the County shall make contributions in an aggregate amount exceeding \$750.00:

- (1) To any candidate for County office or elected County official during a single candidacy; or
- (2) To an elected official of the government of the County during any nonelection year of his or her term.
- (3) To any local, state, or federal campaign committee that is controlled by, or established in support of, a candidate for County office or an elected County official.

The combined effect of these provisions is intended to permit total contribution up to, but not exceeding, \$1,500.00 in a year in which a candidacy occurs. A year, for purposes of this section, is from January 1 to December 31 of each year.

(b) For purposes of Subsection (a) of this section, an entity and its subsidiaries, parent company or otherwise affiliated companies, and any of their employees, officers, directors and partners who make a political contribution for which they are reimbursed by the entity or its affiliates shall be considered a single person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director or partner from making a political contribution for which he is not reimbursed by a person with whom he or she is affiliated, even if that person has made the maximum contribution allowed under Subsection (a) of this section.

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(c) Any contributions made under this section shall be reported as required by the Election Code, 10 ILCS 5/1-1 et seq.

(d) For purposes of Subsection (a) of this section, "done business" or "doing business" means any one or any combination of sales, purchases, leases or contracts to, from or with the County or any County agency in excess of \$10,000.00 in any 12-consecutive months. "Done business" or "doing business" also means representation involving real property assessments, property tax appeals, zoning matters, and property tax incentives, ~~the total fees of which earned or accrued by a person exceed \$10,000.00 in any 12 consecutive months during the previous four years.~~

(e) To the extent that the Zoning Board, Zoning Administrator, Board of Review and County Assessor may be covered by the provisions herein each shall provide notice of the ethics disclosure requirements as set forth above. The notice should include a statement that any attorney or tax representative who has done business with any of these agencies ~~and earned or accrued greater than \$10,000.00 in any 12 consecutive months during the previous four years as result~~, must adhere to the campaign contribution limitations set forth by the Cook County Ethics Ordinance. The Zoning Board, Zoning Administrator, Board of Review and County Assessor shall provide a list to the Board of Ethics, updated quarterly, of attorneys, law firms, and tax representatives filing appeals at their office.

The Board of Ethics shall adopt such rules and regulations as necessary to implement this section.

(f) For purposes of Subsection (a) of this section, "seeking to do business" means taking action within the past six months to obtain a contract or business with the County when, if such action were successful, it would result in the person doing business with the County as defined in Subsection (d) of this section.

(g) Any candidate for County Assessor or Board of Review shall return contributions found in excess of the limitations set forth in this section within 30 days of notification from the Board of Ethics. Failure to return contributions within 30 days shall be a violation of this section and subject to fines under section 2-602(d).

Effective date: This Ordinance Amendment shall take effect immediately upon adoption.

* Referred to the Committee on Finance on September 1, 2010.

Leave was granted to add Commissioners Daley and Gorman as Sponsors, and Commissioners Collins, Murphy and Peraica as Co-Sponsors.

Commissioner Claypool, seconded by Commissioner Suffredin, moved that the Ordinance Amendment (Communication Number 308458) be approved.

Chairman Daley informed the members there are two (2) amendments relating to Communication Number 308458, Amendments Number 11 and 12, as follows:

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AMENDMENT #11

AMENDMENT TO COMMUNICATION NO. 308458

Sponsor(s): Commissioner John P. Daley

Explanation (purpose) of Amendment:

This amended language expands the scope of a requirement that current elected members of the Board of Review, the Cook County Assessor, and any declared candidates thereto, must return prohibited campaign contributions within 30 days. The expanded scope required by this amendment would include all elected Cook County officials, and all declared candidates for any elected Cook County office.

Amends:

Section 2-585 (g). Limitations of contributions to Candidates and elected officials

(g) Any candidate for ~~County Assessor or Board of Review any county office, or any current elected official in Cook County government~~, shall return contributions found in excess of the limitations set forth in this section within 30 days of notification from the Board of Ethics. Failure to return contributions within 30 days shall be a violation of this section and subject to fines under section 2-602(d).

Commissioner Claypool, seconded by Commissioner Suffredin, moved approval of Amendment Number 11. On a voice-vote, the motion to approve carried.

AMENDMENT #12

AMENDMENT TO COMMUNICATION NO. 308458

Sponsor(s): Commissioner Forrest Claypool

Explanation (purpose) of Amendment:

Changes the requirement to return funds found by the Board of Ethics in excess of the ordinance to apply to all candidates and officials.

Amends:

Sec. 2-585 (g). Limitations of contributions to candidates and elected officials

(g) Any candidate ~~or County official for County Assessor or Board of Review~~ shall return contributions found in excess of the limitations set forth in this section within 30 days of notification from the Board of Ethics. Failure to return contributions within 30 days shall be a violation of this section and subject the ~~candidate or County official~~ to fines under section 2-602(d).

Amendment Number 12 was withdrawn by the Sponsor.

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Your Committee next considered Communication Number 307205, a Proposed Ordinance Amendment to the Code of Ethical Conduct Ordinance.

307205 AMENDMENT TO THE CODE OF ETHICAL CONDUCT ORDINANCE (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Gregg Goslin, County Commissioner

PROPOSED ORDINANCE AMENDMENT

AMENDMENTS TO THE COOK COUNTY ETHICS ORDINANCE

The following amendments to the Cook County Ethics Ordinance are proposed to clarify, and further tighten the ethics standards of Cook County government:

Sec. 2-574. Receiving and soliciting gifts and favors.

(a) *Gift Ban.* Except as otherwise provided in this division, No official or employee shall intentionally solicit or accept any gift from any prohibited source or in violation of any Federal or State statute, rule, or regulation or any County ordinance, rule or regulation. This ban applies to and includes spouses of and immediate family living with the official or employee. No prohibited source shall intentionally offer or make a gift that violates this section.

(8) *Food or refreshments not exceeding \$75.00 per person.* Food or refreshments not exceeding \$75.00 per person in value on a single calendar day; provided that the food or refreshments are consumed on the premises from which they were purchased or prepared or catered. For purposes of this subsection, the term "catered" means food or refreshments that are purchased ready to eat and delivered by any means.

(12) *Items valued at less than \$100.00.* Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.00.

(d) *Gifts which have a value of greater than \$100.00 (or a series of gifts with an aggregate value of greater than \$100.00 from one prohibited source during any 12-month period) received by any official or employee from a prohibited source shall be disclosed to the Board of Ethics by the recipient within ten business days of receipt.* The disclosure shall include the name and government title of the recipient; the name, address, occupation and employer of the donor; a description of the gift and its value; and the intended use or disposition of the gift.

(e) *Any and all gifts having a value greater than \$100.00 and received by an official or employee for participating in speaking engagements, lectures, debates or organized discussion forums arising out of his or her County employment shall be disclosed to the Board of Ethics within ten business days of receipt.*

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THEREFORE, BE IT ORDAINED, that the following amendments to the Cook County Ethics Ordinance are approved by President Todd Stroger and the Cook County Board of Commissioners to clarify, and further tighten the ethics standards of Cook County government; and

BE IT FURTHER ORDAINED, that these amendments are effective immediately upon adoption.

* Referred to the Committee on Finance on June 15, 2010.

Commissioner Goslin, seconded by Commissioner Silvestri, moved to defer consideration of the Proposed Ordinance Amendment (Communication Number 307205). On a voice-vote, the motion to defer carried.

Chairman Daley informed the members there is one (1) amendment relating to Communication Number 307205, Amendment Number 13, as follows:

AMENDMENT #13

AMENDMENT TO COMMUNICATION NO. 307205

Sponsor(s): Commissioner John P. Daley

Explanation (purpose) of Amendment:

Corrects the format of the proposed ordinance amendment in order to conform to the Cook County Code.

Amends:

Sec. 2-574. Receiving and soliciting gifts and favors.

~~The following amendments to the Cook County Ethics Ordinance are proposed to clarify, and further tighten the ethics standards of Cook County government:~~

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 Administration, Section 2-574 of the Cook County Code is hereby amended as follows:

Sec. 2-574. Receiving and soliciting gifts and favors.

(a) **~~Gift Ban. Except as otherwise provided in this division, No official or employee shall intentionally solicit or accept any gift from any prohibited source or in violation of any Federal or State statute, rule, or regulation or any County ordinance, rule or regulation. This ban applies to and includes spouses of and immediate family living with the official or employee. No prohibited source shall intentionally offer or make a gift that violates this section.~~**

(8) **~~Food or refreshments not exceeding \$75.00 per person. Food or refreshments not exceeding \$75.00 per person in value on a single calendar day; provided that the food or refreshments are consumed on the premises from which they were purchased or prepared or catered.~~**

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For purposes of this subsection, the term "catered" means food or refreshments that are purchased ready to eat and delivered by any means.

(12) ~~Items valued at less than \$100.00. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.00.~~

(d) ~~Gifts which have a value of greater than \$100.00 (or a series of gifts with an aggregate value of greater than \$100.00 from one prohibited source during any 12-month period) received by any official or employee from a prohibited source shall be disclosed to the Board of Ethics by the recipient within ten business days of receipt. The disclosure shall include the name and government title of the recipient; the name, address, occupation and employer of the donor; a description of the gift and its value; and the intended use or disposition of the gift.~~

(e) ~~Any and all gifts having a value greater than \$100.00 and received by an official or employee for participating in speaking engagements, lectures, debates or organized discussion forums arising out of his or her County employment shall be disclosed to the Board of Ethics within ten business days of receipt.~~

THEREFORE, BE IT ORDAINED, that the following amendments to the Cook County Ethics Ordinance are approved by President Todd Stroger and the Cook County Board of Commissioners to clarify, and further tighten the ethics standards of Cook County government; and

BE IT FURTHER ORDAINED, that these amendments are Effective Date: This Ordinance Amendments shall be effective immediately upon adoption.

By consensus, Amendment Number 13 was deferred.

Your Committee next considered Communication Number 308457, a Proposed Ordinance Amendment to the Code of Ethical Conduct Ordinance.

308457 AMENDMENT TO THE CODE OF ETHICAL CONDUCT ORDINANCE (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Forrest Claypool, Bridget Gainer, Gregg Goslin, Timothy O. Schneider, Peter N. Silvestri, Larry Suffredin, John P. Daley and Elizabeth "Liz" Doody Gorman, County Commissioners; Co-Sponsored by Joseph Mario Moreno and Anthony J. Peraica, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article VII Ethics, Section 2-583 of the Cook County Code of Ordinances is hereby amended as follows:

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Sec. 2-583. Political activity.

a) No official or employee shall compel, coerce or intimidate any County official or employee to make or refrain from making any political contribution. No official shall directly solicit any political contribution from his or her employees or the spouses of or immediate family living with his or her employees. Nothing in this subsection shall be construed to prevent any official or employee from voluntarily making a contribution or from receiving a voluntary contribution.

b) No employee with contract management authority shall serve on the political fundraising committee of any elected official or candidate for County office.

c) County employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). County employees or officials shall not intentionally misappropriate any County property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.

d) At no time shall any official or employee intentionally misappropriate the services of any County employee by requiring that employee to perform any prohibited political activity:

- (1) As part of that employee's County duties;
- (2) As a condition of County employment; or
- (3) During any time off that is compensated by the County (such as vacation, personal, or compensatory time off).

(e) A County employee shall not be required at any time to participate in any prohibited political activity in consideration for that employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.

(f) A County employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the employee's participation in any prohibited political activity.

(g) Nothing in this section prohibits activities that are otherwise appropriate for a County employee to engage in as a part of his or her official County employment duties or activities that are undertaken by an employee on a voluntary basis as permitted by law.

Effective date: This Ordinance Amendment shall take effect immediately upon adoption.

* **Referred to the Committee on Finance on September 1, 2010.**

Leave was granted to add Commissioners Daley and Gorman as Sponsors, and Commissioners Moreno and Peraica as Co-Sponsors.

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Commissioner Claypool, seconded by Commissioner Schneider, moved that the Ordinance Amendment (Communication Number 308457) be approved. On a voice-vote, the motion to approve carried.

Your Committee next considered Communication Number 308459, a Proposed Ordinance Amendment to the Code of Ethical Conduct Ordinance.

308459 AMENDMENT TO THE CODE OF ETHICAL CONDUCT ORDINANCE (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Forrest Claypool, Bridget Gainer, Gregg Goslin, Timothy O. Schneider, Peter N. Silvestri, Larry Suffredin, John P. Daley and Elizabeth "Liz" Doody Gorman, County Commissioners; Co-Sponsored by Joseph Mario Moreno, Anthony J. Peraica and Edwin Reyes, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article V Sanctions for Violation, Section 2-602 of the Cook County Code of Ordinances is hereby amended as follows:

Sec. 2-602. Fines.

(a) As authorized by the State Officials and Employees Ethics Act, the Board may impose a fine of up to \$5,000.00 per violation against any person found by the Board to have violated, intentionally obstructed or interfered with an investigation of, or intentionally made a false, frivolous or bad faith allegation under Section 2-574 or 2-583.

(b) As authorized by the State Officials and Employees Ethics Act, a person who intentionally violates any provision of Section 2-574 is guilty of a business offense and subject upon conviction to a fine of at least \$1,001.00 and up to \$5,000.00.

(c) As authorized by the State Officials and Employees Ethics Act, a person who intentionally violates any provision of Section 2-583 is guilty of a Class A misdemeanor.

(d) Any person found by the Board to have knowingly violated any provision of this article other than Section 2-574 or 2-583, or to have knowingly furnished false or misleading information to the Board, shall be subject to a fine ~~not to exceed of at least~~ \$500.00 and up to \$5,000, for any one offense.

Effective date: This Ordinance Amendment shall take effect immediately upon adoption.

*** Referred to the Committee on Finance on September 1, 2010.**

Leave was granted to add Commissioners Daley and Gorman as Sponsors, and Commissioners Moreno, Peraica and Reyes as Co-Sponsors.

Commissioner Claypool, seconded by Commissioner Schneider, moved that the Ordinance Amendment (Communication Number 308459) be approved.

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Chairman Daley informed the members there is one (1) amendment relating to Communication Number 308459, Amendment Number 14, as follows:

AMENDMENT #14

AMENDMENT TO COMMUNICATION NO. 308459

Sponsor(s): Commissioner Forrest Claypool

Co-Sponsor: Commissioner Joseph Mario Moreno

Explanation (purpose) of Amendment:

Specifically includes officials and candidates.

Amends:

Sec. 2-602 (d). Fines.

(d) Any person, including officials or candidates, found by the Board to have knowingly violated any provision of this article other than Section 2-574 or 2-583, or to have knowingly furnished false or misleading information to the Board, shall be subject to a fine not to exceed of at least \$500.00 and up to \$5,000.00, for any one offense.

Leave was granted to add Commissioner Moreno as a Co-Sponsor.

Commissioner Claypool, seconded by Commissioner Schneider, moved approval of Amendment #14. On a voice-vote, the motion to approve carried.

Commissioner Claypool, seconded by Commissioner Schneider, moved that the Ordinance Amendment (Communication Number 308459) be approved, as amended. On a voice-vote, the motion to approve as amended carried.

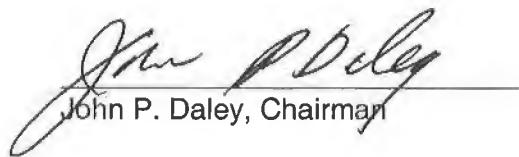
Commissioner Peraica, seconded by Commissioner Silvestri, moved to adjourn. The motion carried and the meeting was adjourned.

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION
WITH REGARD TO THE MATTER NAMED HEREIN:**

| | |
|-----------------------------|--------------------------------|
| Communication Number 306665 | Deferred |
| Communication Number 306666 | Substitute Approved As Amended |
| Communication Number 308460 | Approved As Amended |
| Communication Number 298633 | Approved As Amended |
| Communication Number 306655 | Deferred to October 19, 2010 |
| Communication Number 306663 | Deferred |
| Communication Number 308454 | No Recommendation |
| Communication Number 308458 | Approved As Amended |
| Communication Number 307205 | Deferred |
| Communication Number 308457 | Approved |
| Communication Number 308459 | Approved As Amended |

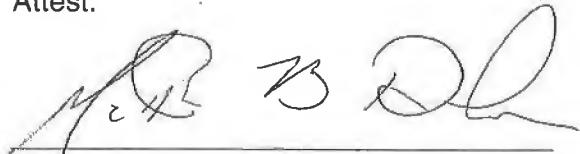
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Respectfully submitted,
Committee on Finance



John P. Daley, Chairman

Attest:



Matthew B. DeLeon, Secretary

The transcript for this meeting is available in the Office of the Secretary to the Board, 118 North Clark Street, Room 567, Chicago, IL 60602.